

REMARKS

Claims 1-20 are presently active.

In the Office Action dated 10 July 2003 ("Office Action"), claims 1-6 and 15-20 were rejected under 35 U.S.C. §102(e) as being anticipated by Kalkunte, et al., US patent 5,854,900 ("Kalkunte"); and claims 7-9 and 11-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Holloway, et al., US patent 6,256,317 ("Holloway") in view of Kalkunte; and claims 10 and 14 were objected to but indicated as allowable if rewritten in independent form as suggested in the Office Action.

Applicants acknowledge with appreciation the conditional allowance of claims 10 and 14.

Applicants respectfully traverse the claim rejections for the following reason. In the Office Action, reference was made to Figs. 2-4 and column 3, lines 15-24 of Kalkunte for teaching the claim limitation of "attempting to transmit a link frame if the PHY has not transmitted a frame in the last  $x$  seconds, where  $x$  is a positive real number." However, Applicants do not find this claim limitation taught (or suggested) in Kalkunte.

In column 3, lines 15-24, of Kalkunte, a sequence of steps is taught comprising: transmitting a first data packet from a network station onto the media; detecting if the network station has a second data packet for transmission onto the media upon completion of the first packet transmission; waiting a delay time if the detecting step detects the second data packet; and attempting access of the media by the network station in response to the delay time. This is not the same thing as transmitting a link frame if the PHY has not transmitted a frame in the last  $x$  seconds. Furthermore, Applicants have not found this claim limitation taught elsewhere in Kalkunte.

This claim limitation, or claim limitations of similar language, are found in all the presently active claims. For this reason, the claims are believed patentable over Kalkunte.

Holloway is cited merely for teaching a transceiver to transmit and receive frames, and a finite state machine whereby the PHY monitors frame transmissions by the transceiver while the finite state machine is in a first state. Nowhere does Holloway teach or suggest the claim limitation as discussed above, and therefore the claims are believed patentable over the combination of Kalkunte and Holloway.

Respectfully submitted,

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